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## Community Development Department

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### Village of Westmont Planning and Zoning Commission June 15, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, June 15, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

#### **(2) Roll Call**

**In attendance:** Chair Ed Richard, Commissioners Craig Thomas, Gregg Pill, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

**Absent:** Thomas Sharp.

#### **(3) Pledge of Allegiance.**

#### **(4) Swearing in of testifying attendees and reminder to sign in.**

#### **(5) Reminder to silence all electronic devices.**

#### **(6) Approval of Minutes of the May 18, 2016 meeting**

#### **(7) Open Hearing**

Chairman Richard read a statement outlining process for this meeting since it was a continuance of the May 18 meeting.

#### **Old Business**

**PZ 16-011      The Harp Group, Inc. regarding the property located at 3500 Midwest Road, Oak Brook, IL 60523 for the following:**

(A) Map Amendment request to rezone from B-3 Special Business District to a Planned Development Overlay District in the underlying B-3 Special Business District with the following exceptions from the Zoning Code:

1. Exception to increase the maximum FAR for an 18 acre land area.
2. Exception to the minimum lot area required for a multiple family residential construction for an 18 acre land area.
3. Such other waivers as may be necessary to facilitate the development of the 18 acre parcel.

(B) Special Use Permit request to permit residential dwelling units in the B-3 Special Business District.

- (C) Zoning Code Variance request to increase the maximum number of signs permitted in the B-3 Special Business District for an 18 acre land area.
- (D) Zoning Code Variance request to to reduce the total required number of parking spaces for an 18 acre land area.
- (E) Preliminary Concept Plan approval for the new construction of a natatorium and a multi-family residential apartment building including a site and landscaping plan for an 18 acre land area.
- (F) Preliminary Plat of Subdivision approval for an 18 acre land area.

**STAFF COMMENT:** Hennerfeind summarized that the petition is a natatorium, 7 story residential building, subdivision of 18 acre parcel into 5 smaller parcels. The special use request is for the residential development, there is a unit mix and the studios has increased to 92 which reduces the number of parking spaces, the apartment mix must be solidified. The variance request for signs has a request of 13 signs. Original plan was 923 parking spaces deficient. Staff looked at parking and reduced the deficiency to 523 based on stadium use for the natatorium, there were not site changes that changed that number. The new site plan changes has reduced that parking to 476. Applicant has requested that one space be allotted per bedroom, the reduction would be one bedroom units having one space instead of 1.5 space. Applicant is still proposing 449 spaces. Second request is to re-evaluate the hotel and conference rooms parking. Staff has said it was set at 2.5 per rooms at the hotel for employees, golf, hotel guests, conference rooms. Staff would like to point out that code requires onsite parking, then off site can be considered and offsite is typically adjacent, convenient, local, and legally secured. It is unprecedented is the off site parking is outside of city limits. The preliminary concept plan there is no plan showing sidewalk access to Cass, rooftop details have not been provided, parking has been revised but still not adequate, always landscaping features that could be added, if building placement is the smartest, change to landscape north of natatorium. Preliminary plat of subdivision which remains unchanged, Lot 1-existing hotel, Lot 2-shared parking, Lot 3 Natatorium, Lot 4-apartment building, Lot 5-west parking which could be developed in future.

**PRESENTATION:** Dan Shapiro asked if they could discuss the parking proposal first.

Peter Dumon presented a brief summary of the development and thanked commission. He mentioned proposed uses and the density and that he understands the concerns, but feels this is less dense and less impactful than other uses. They will have retail which will be operated by the hotel as an adjunct so no concern about not being leased.

Updates since the May 18th meeting: they believed they have resolved some of the parking concerns. He stated that he feels most of the concerns surrounds the natatorium, but that will only be a handful of events throughout the year. They did meet with the homeowners association. They did ask to move apartment building to south corner of golf course which would require massive stormwater development. He stated so they are not opposed to a multi family development, just not in their backyard. They have been working on the sound impact and the views by eliminating the tennis courts and basketball court and add a 9 hole putting course. They are continuing with improving golf course. They agreed to assist with the dredging the lake which is an amenity to their neighborhood and assist with landscaping and fencing to make it more appealing to Oakwood and received unanimous support from the homeowners board.

Rick Falwell addressed parking. He stated that he felt everyone was concerned about the parking issues and discussed that they met with staff to help resolve the parking concerns. They wanted to address code, convenience, etc. They researched 10 comparable hotel facilities, with over 300 rooms and found that their parking ratios were less .8 to 1.5 cars per room. And found that the apartment car per room ratios were less as well, which is why they are requested one per bedroom. They also discussed the natatorium and came up with a number of 280. They still have concern on the ratio for hotel being

higher than surrounding areas. The west parking lot has not been used in the two years that Peter has owned the property. They could also move employee parking off site, which is 250 cars. The number comes down to 615, which brings the total parking down to around 1400. They revisited the plan and dropping off for natatorium, widen the roads, handicap parking closer to building. They feel they are coming closer to agreeing with staff on the parking plan.

Dumon reminded everyone that when there are big events at the natatorium they will hope to sell out hotel, but those people will be guests of the hotel so they should not be counted twice as parking. And they would have carry over to other hotels which they would work with those hotels on arranging shuttle service to the natatorium.

MaryAnn Kaufman stated that she is passionate about swimming and how it has affected her family. She believes that swimming can impact lives positively.

Why aren't there other swim facilities in Illinois? Several other projects have been proposed in Illinois but never happened mostly due to funding. She cited other surrounding community projects that have been proposed and haven't come to fruition. This facility will be fully funding.

She mentioned the ongoing tasks that are required for maintaining the natatorium. The charity will be paying a monthly service fee for maintenance and the hotel staff is already experienced in the maintenance that would be required.

What are the advantages to be adjacent to the hotel and apartments? It reduces the cost of maintenance since they will be able to utilize the hotel staff. The apartment building will provide parking for the entire development and visually appealing since it is hidden. This entire development will encourage repeat visits, for swim meets, dining, living, wedding, banquets, etc.

Won't the natatorium cause traffic and congestion? This is a misconception and there are only 6 big meets in the year, it is unlikely that they would get all six. The hotel is in agreement that the hotel would not host any additional functions during the time of hosting a meet. This would mean that the hotel guests will be the people attending the meets. The meets take place in November, February and March when the golf course will not be used so no additional parking demands. There will be smaller meets during the year, over the weekend throughout the year. The traffic generated would be comparable to any other event at the hotel when cars come and go. Her and her husband are personally committed to see this facility come to Westmont, expose more people to swimming.

Dumon stated all of the ventures are being funded with private money and will bring tourism and revenue into the community.

Shapiro addressed the hardships in terms of the variance requests. He mentioned that he knows that there is further work to do on the maintenance lot and they have been working with staff and homeowners association to address the parking concerns. The parking hardship is that without the variance the project fails. They are asking for help from commission and in addressing the FAR.

Shapiro mentioned that some of the terms have come into question and whether they would follow through and he is willing to put into an agreement with the Village in regards to the representations that they have made in terms of off site parking, shuttle service, ballroom, not having other events at same time, they are willing to put into writing. He also wanted to note that the objectors to their proposal are also the beneficiaries.

Village attorney clarified that the option to add parking spaces in maintenance lot is not part of the current proposal.

**PUBLIC COMMENT:**

Scott Day, attorney on behalf of the homeowner's association inquired about the number of parking spaces that the code requires. He mentioned that they presented to the developers moving the natatorium and moving the apartment the building which would be acceptable to the homeowners.

He referenced three different statements from the Village engineer regarding this development and requirements. He went through a history of the property and the changes in zoning, resulting in a B3 district. He noted that this site has a final concept plan and mentioned the agreements for easements and the assessment plat. He mentioned requests from 1992, history of the lawsuits in 1994 between residential developer and hotel and the Village and the court decision to undo the R4 zoning. He mentioned the easement agreement decision that it applies to residential use. He also referenced ordinances from 2002 and 2003 for rezoning and the low density of the proposed units, which does not compare to the density being proposed now. He stated as of 2003 there was a final plan for hotel, 16.9 acres and the golf course. In 2014, the owner purchased the property and referenced the warranty deed that was filed and the agreement that was signed. It was stated that with all history, owner knew that this property was B3 and the conditions he agreed to.

Kevin Gallaher presented with Joe Regis who he questioned based on his review of the proposal. Regis mentioned he has reviewed the last two staff reports and he also has reviewed the current conditions on the site. Regis mentioned that current parking is not sufficient for the property as it sits today based on the village data. He also used an engineer parking status to determine the number of spaces needed. He estimates approximately 1021 spaces for the current site use. He was asked if the development only included the apartments would the spaces be enough. Regis reviewed additional calculations of how he came up with numbers for the natatorium and feels that there would be a need of 550 spaces. So current deficiency, plus natatorium and residences they came up 893 parking spaces short. They stated that off site parking while allowed have very specific conditions which have not been met. They also stated that they feel the hotel owner created the hardship.

Michael Moroosse, real estate appraiser, stated that he was asked to review plan to address the impact of the plan on the residences of Oak Brook Hills. His conclusion was based on his experience and similar properties. Many items were taken into consideration, the economy and detrimental conditions, plus surrounding properties. They compared other hotel properties, plus home value on the Oak wood properties. The unit price on the house closes to club was significantly and increased as you moved away from the development. We mentioned various developments that they compared to with the average being 30% less to comparable developments, though not less than developments next to electrical, highways ,etc. In his opinion, the houses closer to development will have greatest impact in terms of view and traffic issues, where homes further in will not have as much effect. Overall, his conclusion will have a range of diminution 15-20 when closer and 10-15% when farther.

Ken Rathje referred to public notice being republished and discussed the deficiency of the parking. He stated in his experience that parking related issues are a big concern. He mentioned the off site parking letters and referred to the terms of off site parking. He referred to other off site parking specifics and the 600 foot walking distance from site. He used Google Earth to estimate the distance of the off site parking which is well over the 600 foot distance and no request in place to vary that rule. Further the off site parking all have their own primary business and they have to be free and clear to use to satisfy the ordinances. He referenced Oak Brook ordinance for off site parking which allowed shared parking but only to the neighboring business and if they had excess parking, this proposal does not meet either criteria. He mentioned the standard parking space is 10 x 20, but the proposal includes parking spaces of 16' and 18' and does not include any variation request for the reduced spaces. He also mentioned there are no measurements for the parking space size in the parking garage. He mentioned differences in the variation criteria vs. special use criteria. He went point by point through the ordinance standards of the variation. He stated that this is based on a need for more morning, that the hardship was created by lack of due diligence of the property owner as all these rules were in place, that the other property will affect

the surrounding area, that it will increase traffic, property values, increased risk of emergency response and public safety. He mentioned that ½ mile is the distance was the average transit oriented development, and the hotel is 2 miles. He mentioned grocery store is 1.1 miles away and not feasible for someone to walk with groceries in summer and winter. He felt that the notion that this is a transit oriented development is not feasible based on the distance, even with arranging buses to shuttle to the train station. He discussed last months comments from Mr. Shapiro cross examination and questions on B3 uses and his big box retailers.

Attorney Scott Day mentioned that there was already a final concept plan for this property, and according to ordinances any amendment comes with approval from board and all other entities involved in the property. He addressed Shapiro's comments on having much other worse development than what they were proposing. He stated that this application doesn't even list the variations that are needed. He mentioned that off site parking in Oak Brook doesn't even meet Oakbrook requirements for shared parking. Property was purchased knowing what the FAR was and now requesting double the FAT percentage and mentioning the possible inclusion of the golf course into the numbers and possible development of the golf course. There has been no transparency on the golf course agreement and the principals are not in picture, the applicant has not provided the information. He states that applicant is cramming a 33 acre development on a 2.7 acre parcel and then claims the hardship is not self imposed. He mentioned that there are no specifics for a planned development in Westmont. He referred back to parking ordinance and off site parking requirements, where off site parking does not allow multi use though that is what they are requesting. They gave a report on Indianapolis natatorium and the number of parking spaces within ½ mile. That facility has access to 13,000 spaces, with 2,500 spaces adjacent to the IU Natatorium with average of .53 parking spaces per seat. This would make the needed parking spaces 634 spaces needed according to 1200 seats that applicant mentioned. They took a look at another site in Pleasant Prairie with 1,082 spaces averaging 1.66 spaces per seat. These are the sites that are hosting these type of events. He stated that 600-700 is needed for the natatorium alone. He re-mentioned that the parking space size is reduced and haven't asked for a variance on size and they have not outlined the sizes for the parking garage. He discussed plat of easement being vacated. There were easements that were granted back in 1985, to office owner, golf course and hotel course and that the easement agreement runs in favor of residential use and agreement stays with the land which has already been litigated previously. His key point was the area that was granted the access area covers the entire parking lot and what was covered and upheld in court in that easement agreement. This agreement was created by the owners and is a private agreement, final and enforceable by residential development and the property owners should have uncovered this full legal document, where his clients should have full unobstructed access to the easement.

Staff Attorney discussed the publishing of the off site parking. He mentioned that the parking deficiency was based on the property and the off site parking was an offer by the applicant it was not part of the site plan or development approval request.

Scott Day replied to Chairman Richard questions on easement agreement. He clarified that the owners have the right to walk or park on this site and approve or deny any changes. This was a not a public agreement, so not enforceable by police as it is a private property agreement. He stressed that the controlling documents should have been reviewed by the applicant before coming before the commission with variance requests. He said it is not legal and application is not thorough and neighborhood can stop this development. The work and expense of homeowners to check this process should have been done by the developer.

Staff Attorney commented that village can't interfere with a private easement agreement which is 100% correct, but the question is whether the development interferes with the easements. He stated that when the agreement was in place there was not even a parking lot in place and the real question comes

down to whether a building would cause interference with the easement agreement.

MaryAnn Kaufman addressed the comparison of the proposed natatorium with the RecPlex in Wisconsin. She has attended events in that facility and it is the largest facility in the US, she said it has over 300,000 sq ft, it does not compare to what they are proposing in Westmont. The other comparison in Indiana is the largest pool in the US and the parking is for the entire city that surrounds that area. This is not an apples to apples comparison, those facilities also have rinks, courts, tracks and other recreation at the site. She mentioned the biggest event would be Illinois High School meet and it would be a special event and they would know about it well in advance. Currently held in Evanston which doesn't allow for any additional parking considerations. She also mentioned that they are continuing to work and make considerations on property for lighting, entrance etc. to reduce effect to the residents. She submitted to the staff the number of swimmers that attend a meet and did not provide any stats of number of parents that attend. She clarified that swimming is a sport where the swimmers do not stay on site for the entire day, but only as they are scheduled.

Brad Fischer, lives on Willow Drive, he stated that this proposal should be based on law and fact and based on the presentation it should be not approved to move ahead.

Aquatics director at UIC stated his support and his office is across from pool at their location which has 846 spots and only filled between 275-300 spots per session and well under maximum spaces needed for parking. There are not other facilities due to the cost involved. He has experienced with parents coming to him for hotel suggestions because they do stay on site so there swimmers can rest, so the parking spaces needed would be a portion of hotel guests. The events are held at Wisconsin or Indiana due to lack of seating and this facility would bring those events back to Illinois and attracting Olympic athletes. He believes it would be a wonderful opportunity for Illinois and Westmont and keep the revenue in state.

Dumon addressed the easement agreement and their due diligence. He feels that the presentation kicked up a lot of legal dust in order to represent their client which he understands but they did have their lawyers review the agreements and do not intend on obstructing access to the easements with the development.

Scott Day referred to tab 17 which referenced MaryAnn's letter to staff regarding the attendance for natatorium events. Based on the number she has listed they would need much more parking than 250 spaces.

MaryAnn clarified that those numbers are strictly for special events and they would have special considerations put into place.

Swim mom stated that she attended the state meets and personally car pools, drives 5 children, officials are parents as well as siblings and she has never seen 500 cars at an event. She also mentioned that as a parent she is hoping this development goes through due to the funds that will be provided to schools.

Rick Falwell clarified that the parking spaces are 9 x 18 and 9 x 16 which were part of a discussion with Jill in areas that they could do it and we're not trying to sneak in short spaces. Parking also has a turnover rate throughout the day and especially with a mixed use site. They accepted the parking space numbers based on natatorium and code but they felt the adjustments could be made to the hotel requirements for parking, currently over 2 per room to more what they see in industry of 0.8 to 1.5. He feels that they are working with staff and they are getting close to working that number out.

Don Bartecki stated that he has worked a lot with Westmont Swim Club and they recently built a facility with 12 lanes that does not host meets but they only have 53 spaces. Proposed meets will be held at a 10 lane pool and over the course of 4 days. He does not feel that there will be a parking issue.

Suzy Casey resident of OakWood on Casey street, mentioned that she works in Downtown and leaves early just in order to get a parking spaces and Westmont is her escape. She is concerned that with the additional development there will be parking issues in their neighborhood.

#### **COMMISSIONER COMMENT:**

Bartel: asked if the residents are supportive of moving the placement of the buildings, why is that an issue? Reply: it would not be feasible to finance a development on the area that they only have a land use agreement on for 30 years. Plus the adjacency of the buildings to each other and how they service each other isn't feasible, a coffee shop that could serve parents isn't feasible if they have to cross the golf course to get to it. MaryAnn also raised concerns about swimmers being dropped off too close to Cass Avenue and had requested that it not be moved. Bartel mentioned that there are some definite positives for the support of the natatorium and the letters that they have received is the complaint for the apartments, why can't the hotel subsidize the natatorium without the apartment building. Reply: the hotel cannot handle more than its own operating, plus swimmers that are training need a place to live and they don't get paid to swim, the profitability of the apartments are going to be helping improve the entire area and make it even a more upscale development, yes it is dense in a tight location so they can leave the rest open, they are trying to be extremely sensitive in the development and make sure improvements are done right. It was also mentioned that moving the building does not fit not a matter of not wanting to move to compromise. Bartel mentioned that part of this decision is representing the residents and thinks that their concerns are valid.

Thomas: he mentioned that he is ready for this to go onto the Board and he agrees with the term legal dust was brought up and he is not seeing any barriers from blocking the easement and he is interested in seeing the trustees vote on this and move forward.

Pill: he stated that he is having a problem understanding the studio, one bedroom, two bedroom and the parking discussion, how many studios do you have? Reply: there is a mix based on the leasing agents requirement and they do include studios. Pill: asked about walking and sidewalks to Cass. Reply: since last meeting the sidewalk was extended to Cass on both sides of the entrance. Pill mentioned that it is difficult to keep track of changes, or things that have been implied. He asked about snow removal. Reply: they would use dump trucks to move to golf course. Pill: he asked about the parking building within the apartment wrap. Reply: the parking will be gate and accessed by apartment, there will be visitor spots inside and all coded to allow access. Pill: does Hilton support? Reply: Hilton is excited about the development and if there support letter is needed they will have it. Pill: summarized that the swim events is only 10 days out of 365. Reply: he mentioned the improvements in the bar and that it has been crowded and his goal is to get this property back to where it was and thriving. Pill: mentioned he is uncomfortable with the 5 parcel division that it is being setting up to be a build and sell type of layout. Reply: the parking lots are going to be a common use, the parcel for pool will be given to that foundation. There will be a common area association. Lot 5 could be developed for more parking, though he doesn't personally think that. There is an option for extended stay but doesn't see that happening.

Van Buren: he has no questions.

Carmichael: thanked the Kaufman family for their donation to building the natatorium, asked about cost of that. Reply: 15 million. Carmichael: asked about studio apartment versus luxury apartment. Reply: they are calling it a studio but for code wall doesn't go all the way to ceiling though in effect it has the feel of the one bedroom apartment.

Richard: if the apartment building and natatorium were built how many spaces would be in lot 2? Reply 604. Richard: asked about breakdown for parking. Reply: they have looked at what they really use and what other hotels use. Since the 2.5 is just not an accurate number for the need of the hotel. They have

been taking aerial shots and the parking lot is just not used to that capacity. The Lincolnshire resort has more restaurants, more space, more rooms and an 800 seat theater with 1000 spaces and they do not have an issue. It also needs to be taken in consideration the shuttle and valet and charging for parking. He can share photos. Richard: shared pics showing the parking lot full. Reply: the 164 spaces have not been used in two years. Richard: when hotel was created they were using 2.5 spaces per room which includes employees, golf course, restaurants. Reply: the 80 number for golfers for parking, some carpool together, and the number came from the pro at the golf course. Richard: staff has outlined 280 spaces for the natatorium, he does not agree and feels the number should be more like 466 spaces and feels that in total it is too much of a variance. He feels that this is more of a conceptual plan instead of a fully developed site plan, with too much ambiguity. He discussed the open space policy and clarified that it was on hotel property. He does not agree with calling this property a TOD. He discussed the 5 parcels and asked what if they get sold and who is going to guarantee that an entity that purchases one of those parcels with no parking, feels that there needs to be a recorded easement on the off site parking. Reply: common area parking lot will be recording against deeds of other parcels. He feels that for special events they can work with businesses when they have nothing going on, but asking them to record a deed against it to park whenever they want will be much more difficult. Richard: off site parking is hotel problem to solve and not the commission's problem to solve. He is concerned that without the deed there is a problem and he wants Westmont protected. He stated that he is not a fan of apartments but if they were going to develop than near the tracks would be a better place for it.

Bartel: stated she also has concerns about apartments, that seniors have bought houses and may not be interested in paying rent and may not be affordable for people making \$70k per year.

Thomas: ready to vote.

Pill: loves the economic benefit to the community, strengthening the hotel entity and the tax revenue but he is also aware of the traffic concerns, he does not feel that the words match the music and the proposal is not matching the comprehensive plan, if he was voting he would like to see some changes to minimize the impact, scale and density. His personal issue is with FAR, parking and splitting the 5 parcels because it seems like a build and sell. Two suggestions reduce the apartment building by two stories to decrease parking and density and add two levels of underground parking, he also thinks the building is very stark, he would like to see more architectural look and softening it. Second idea build a three story parking garage on lot number 5, with two stories underground by staging project there is additional parking while building other components. He would like to see more compromise and paperwork needs to be cleaned up with accurate information. He would support a continuance to give more time but could not support tonight based on the paperwork where it is right now.

Van Buren: he discussed the rental property percentages in Westmont and would not support due to adding more apartments in Westmont.

Carmichael: he really expected more changes in order to compromise with the residents after the discussions in the first meeting. He feels parking and density is problematic and does not agree that this is a TOD. Adding 300+ apartments would take Westmont over the 50% mark and he cannot support the whole package.

Richard: stated in all of his years he has never asked to support a FAR of this level. He admires Chairman Pill's suggestions of adding the garage for more parking and a couple below deck parking. Chopping off part of building to reduce density would be a better option as well and soften the architecture and enhance it.

Chairman Richard asked if they would be interested in an additional meeting.

Dumon said that Pill suggestions they would be happy to consider adding parking and even reduce the

apartment building but that will decrease revenue and then it will affect what he will be able to provide the residents. He also commented that this is a completely different type of product multi family home than anything that exists in Westmont.

Chairman Richard mentioned that the homeowners meeting did not seem to get anything accomplished and they presented a good argument. Dumond agreed to get new paperwork and willing to have a meeting with homeowners association.

Attorney mentioned that they needed to set a date specific meeting.

#### **MOTION**

Motion to reopen the public hearing on this item.

Motion by : Pill

Second by: Van Buren

#### **VOTING**

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

#### **MOTION**

Motion to continue meeting until August 3rd.

#### **VOTING**

Van Buren--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**Meeting adjourned 11:16pm.**